

November 7, 2019

Enforcement File: 2019-079FSJ

Tidewater Midstream and Infrastructure Ltd.
900, 222 3rd Ave SW
Calgary, AB, T2P 0B4

Attention: Mr. Scott McLean

Re: General Order 2019-008

Dear Mr. McLean:

On August 28, 2019, the BC Oil and Gas Commission (Commission) issued General Order 2019-008 to Tidewater Midstream and Infrastructure Ltd. (Tidewater).

Tidewater has satisfied all the requirements of the Order.

Please be advised that pursuant to section 49(8) of the *Oil and Gas Activities Act*, General Order 2019-008 is hereby terminated.

If you have any questions or concerns, please do not hesitate to contact the Commission.

Sincerely,



Patrick Smook
Director, Oil & Gas Commission
BC Oil and Gas Commission

GENERAL ORDER 2019-008
Section 49 *Oil and Gas Activities Act*

Issued to:

Tidewater Midstream and Infrastructure Ltd.
900, 222 3rd Ave SW
Calgary, AB, T2P 0B4

Attention: Mr. Scott McLean

Order:

Pursuant to section 49(1)(d) of the *Oil and Gas Activities Act* (the Act), I, Patrick Smook, order that Tidewater Midstream and Infrastructure Ltd. (Tidewater) must:

1. On or before 4:00PM September 11, 2019, submit, in its entirety, an updated emergency response program (ERP) to the satisfaction of the Commission and as prescribed by the Emergency Management Regulation (EMR).
2. On or before 4:00PM September 11, 2019, provide the information required by the EMR to the parties prescribed by section 13(1) of the EMR.
3. Submit the information required by item 1 electronically to C&E@bcogc.ca.

Conditions:

- A. This order shall remain in effect until amended or terminated in whole or in part by the Commission.

Reasons:

I make this Order for the following reasons:

- i. Tidewater is a permit holder under the Act including for 19 facilities, 57 wells, and 33 pipelines in British Columbia.
- ii. Pursuant to section 38(1)(b) of the Act, a permit holder must prepare and maintain an ERP and a response contingency plan satisfactory to the Commission or as prescribed by regulation.
- iii. Pursuant to section 3(1) of the EMR, a permit holder must prepare and maintain a program in accordance with CSA Z246.2.
- iv. Pursuant to section 5(1) of the EMR, a permit holder must prepare and maintain a plan in accordance with CSA Z246.2.

- v. Pursuant to section 6(b) of the EMR, a permit holder must not carry out an oil and gas activity that is the subject of a plan unless the permit holder has, in respect of a plan, complied with section 5.
- vi. Pursuant to section 8(1)(a) of the EMR, a permit holder must review and, if necessary, update the information included in a plan at least once a year.
- vii. Pursuant to section 8(1)(d) of the EMR, a permit holder must review and, if necessary, update the information included in a plan at any time the permit holder becomes aware of a deficiency in the plan that risks the safety of emergency response staff, the permit holder's employees, or the public.
- viii. Pursuant to section 8(2)(b) of the EMR, as part of the review referred to in subsection (1), a permit holder must make reasonable efforts to determine whether the persons or other entities referred to in section 13(1)(a) to (g) have changed.
- ix. Pursuant to section 13(1) of the EMR, before submitting a plan to the commission, a permit holder must give the information set out in subsection (2) to the following persons or other entities:
 - (a) a person who occupies land that is located within the emergency planning zone;
 - (b) a local authority, if
 - (i) any part of the emergency planning zone is located within the boundary of the local authority's territory, or
 - (ii) the local authority is identified in the plan as a party to a mutual aid agreement;
 - (c) the government of Canada, if an existing building or structure owned by the government of Canada is within the emergency planning zone;
 - (d) a First Nation, if all or a portion of the First Nation's Indian reserve is located within the emergency planning zone;
 - (e) a rights holder, if an area subject to a right of the rights holder is located within the emergency planning zone;
 - (f) the ministry of the minister responsible for the administration of the Transportation Act and the municipal council, if any part of the emergency planning zone is located within a municipality and within the right of way of an arterial highway or municipal highway;
 - (g) a health authority, if any part of the emergency planning zone is located within the geographic area for which the health authority is responsible.
- x. Upon Tidewater's request, the Commission held a conference call with Tidewater on January 22, 2019 to provide clarification regarding Tidewater's obligations under the EMR and guidance the Commission provided within the Emergency Management Manual.
- xi. On February 1, 2019 Tidewater's Core and Field Supplemental ERPs were due for annual submission.
- xii. On April 1, 2019 the Commission issued a letter to Tidewater regarding a notification of and request for Tidewater's overdue ERP submissions.
- xiii. On May 3, 2019 the Commission followed up with Tidewater regarding the overdue ERP submission letter sent on April 1, 2019.

- xiv. On May 6, 2019 the Commission received a request from Tidewater for an extension to its ERP deadline; Tidewater proposed that its ERPs would be completed and submitted to the Commission no later than June 1, 2019.
- xv. On May 7, 2019 the Commission granted Tidewater an extension to submit its overdue ERPs until June 3, 2019.
- xvi. On June 3, 2019 the Commission received Tidewater's electronic ERP submission.
- xvii. On June 18, 2019 the Commission received Tidewater's hardcopy ERP submission.
- xviii. On June 28, 2019 the Commission emailed Tidewater with concerns regarding its submitted ERPs; an initial review of the documents raised concern with the accuracy of the included resident contact information and asset data. The Commission requested a response to these concerns on or before 4:00PM July 4, 2019.
- xix. On July 5, 2019 the Commission had not received a response from Tidewater regarding the concerns raised in the June 28, 2019 communication.
- xx. On July 10, 2019 the Commission attempted to contact Tidewater by phone; two requests were made for Tidewater to contact the Commission.
- xxi. On July 16, 2019 the Commission received a phone call from Tidewater regarding the concerns raised on June 28, 2019. The Commission requested Tidewater submit a response to this conversation via email by the end of day; the Commission received no such response or email.
- xxii. On July 18, 2019 the Commission emailed Tidewater requesting specific revisions to the submitted Field Supplemental ERPs. The Commission set a deadline of 4:00PM July 31, 2019 for these requests to be met. As of the date of this Order, the Commission has not received any revised ERP submissions or further communications from Tidewater.
- xxiii. On August 19 and August 22, 2019 the Commission conducted an audit of Tidewater's "Federal and Graham Supplemental ERP". Of the included affected parties contacted, seven had no recollection of being contacted by or having received materials from Tidewater; two confirmed that they had received no communication from Tidewater; and four of the provided phone numbers could not be completed as dialed. Furthermore, Tidewater submitted the contact information for another permit holder as an affected party with a note that it was "unable to contact in 2017"; the submitted phone number for this permit holder connected the Commission to a private citizen's voicemail recording. No mention was found regarding efforts to contact this party in 2018 or 2019.
- xxiv. On August 22, 2019 the Commission conducted an audit of Tidewater's "Noel Supplemental ERP". From the attempts made to contact the included affected parties it was discovered that one submitted phone number was no longer in service.
- xxv. On August 22, 2019 the Commission conducted an audit of Tidewater's "Inga Supplemental ERP". From the attempts made to contact the included affected parties it was discovered one submitted phone number was no longer in service. Of those contacted, one individual confirmed that they have received no communication from Tidewater and one had no recollection of any communication with Tidewater.
- xxvi. On August 22, 2019 the Commission conducted an audit of Tidewater's "Pocketknife Supplemental ERP". From the attempts made to contact the included affected parties it was discovered that two submitted phone numbers were no longer in service, one of

which was discovered to have been out of service for more than six years; and one submitted phone number connected the Commission to a private citizen's voicemail other than the individual listed in the ERP.

- xxvii. On August 23, 2019 the Commission conducted an audit of Tidewater's "Sikanni and Lily Supplemental ERP". From the attempts made to contact the included affected parties it was discovered that two submitted phone numbers were no longer in service and two phone numbers redirected the Commission to private citizens other than those listed within the ERP. Of those affected parties contacted, one confirmed that they have received no communication from Tidewater and the other had no recollection of any such communication. Within the submitted Supplemental ERP, information for two affected parties was disclosed as having been obtained from a land title search in 2017; one of which also included a note that Tidewater "were unable to contact" said party that same year. No mention was found regarding efforts to verify the contact information or contact these parties in 2018 or 2019.
- xxviii. Failure to keep the public adequately informed of a permit holder's ERP increases risk to the public. As a permit holder, Tidewater has a responsibility to verify area user and resident contact information and provide them with the most current ERP information available to minimize risk.
- xxix. I am of the opinion that Tidewater is not in compliance with section 38(1)(b) of the Act.
- xxx. I am of the opinion that Tidewater is not in compliance with section 8(1)(a); section 8(1)(d); section 8(2)(b); and section 13(1) of the EMR.

Review and Appeal:

Tidewater may request a review of this order under section 70 of the Act by submitting a request for review to ogc.determinationreviews@bcogc.ca.

Tidewater may appeal this order to the Oil and Gas Appeal Tribunal under section 72 of the Act. The process for appeals may be found at www.ogat.gov.bc.ca and a notice of appeal may be sent to the Oil and Gas Appeal Tribunal at:

Oil and Gas Appeal Tribunal
PO Box 9425 Stn Prov Govt
Victoria, BC, V8W 9V1



Patrick Smook
Acting Vice President, Operations
BC Oil and Gas Commission

DATED AT Fort St. John, in the Province of British Columbia, this 28th day of August, 2019.